

REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested in light of the following remarks.

Claims 1, 2, 4-7, 9-23, 36, 38-44, 46-49 and 53-60 are now in this application. Claims 3, 8, 24-35, 37, 45 and 50-52 were previously cancelled. Claims 1, 2, 4-7, 9-23, 36, 38-44 and 46-49 remain as previously presented. New Claims 53-60 are drawn to elected species and have basis at least in the claims as originally filed. Applicants appreciate the Examiner's clarification of the status of claims which were previously withdrawn but are now under consideration, in a telephone discussion with the undersigned on July 20, 2006.

In response to the requirement for election of a single disclosed compound of formula I (which encompasses formula II), applicants again elect, with traverse, compound 1, as set forth in Example 1 on page 42 of the specification, which is also the first compound depicted in Claim 22 and to which new Claims 53-56 are specifically directed. This is the compound of formula (I) and formula II in which one of R₁ and R₂ is hydrogen and the other is saturated, linear C₁-C₂₀ alkyl (ethyl) substituted with T₁ which is SR₆ wherein R₆ is saturated, linear C₁-C₂₀ alkyl (methyl) substituted with R² which is a furan ring; one of R₃ and R₅ is hydrogen and the other is A, which is a saturated, linear C₁-C₂₀ alkyl substituted with at least one T₅ which is/are halogen (CF₃); and R₄ is phenyl. All of Claims 1, 2, 4-7, 9-20, 22, 23, 36, 38-44, 46-49 and 53-60 read on the elected species.

In response to the requirement to elect one of the types of keratin fibers specified in Claim 6 applicants hereby elect, with traverse, head hair. Claims 1, 2, 4-7, 11-23, 36, 38-44, 46-47, 49 and 53-60 read on the elected species.

In respect to the requirement to elect a second active agent from the 17 enumerated in Claim 41, applicants hereby elect, with traverse, 14) 5-n-octanoyl salicylic acid or other salicylic acid derivative. Claims 41 and 58 read specifically on this elected species; however, all of the claims now in the application allow for the presence of this elected second active agent.

In response to the requirement to elect a specific second active agent from those enumerated in Claims 43 and 46, applicants hereby elect, with traverse, in both claims the agent aminexil. Claims 43, 46, 59 and 60 read specifically on the elected species; however, all of the claims now in the application allow for the presence of this elected second active agent.

All requirements for election of species are traversed because election of species normally presupposes that no generic claim is allowable and no art has been adduced which would militate against the allowance of a generic claim herein. Applicants also point to the other specific compounds claimed in Claim 22 and their close structural relationship to the elected Compound 1; note, in particular, Compounds 3, 7 and 8, as well as Compounds 4, 5 and 6.

In view of the foregoing, withdrawal of the requirements for election of species and action on the merits are respectfully requested.

Respectfully submitted,

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